

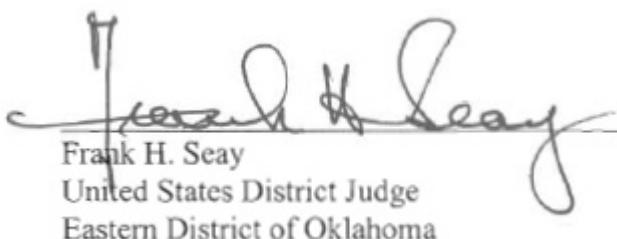
IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

CENDY L. MARTIN,)
)
 Plaintiff,)
)
 v.) No. CIV-05-313-FHS
)
 JO ANNE B. BARNHART,)
 Commissioner of Social)
 Security Administration,)
)
 Defendant.)

ORDER

In this action under the Social Security Act, Plaintiff, through her attorney, has moved the court for an award of attorney's fees and costs pursuant to the provisions of the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). In its response, the government states it has no objection to a reasonable fee award in the amount of \$3,286.60 and a cost award in the amount of \$13.95. The court has reviewed the record in this case, including Plaintiff's motion for attorney's fees and costs, and concurs in the stipulation. Consequently, Plaintiff's motion for attorney's fees and costs is granted and the government is ordered to pay Plaintiff's attorney's fees in the amount of \$3,286.60 and costs in the amount of \$13.95. In addition, should Plaintiff's counsel ultimately be awarded attorney's fees pursuant to 42 U.S.C. § 406(b)(1), she shall refund the smaller amount of fees to Plaintiff pursuant to Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 29th day of November, 2006.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma